

FILED BY  
05 SEP -6 AM 8:10  
THOMAS M COULD  
US DISTRICT COURT  
NASHVILLE TN

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

WILLIE CARNEY, )  
Plaintiff, ) CIVIL ACTION NO. 04-1253-T-An

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RODNEY CLARK, )  
Plaintiff, ) CIVIL ACTION NO. 04-1254-T-An

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FRED JONES, )  
Plaintiff, ) CIVIL ACTION NO. 04-1256-T-An

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TONY LUSBY, )  
Plaintiff, ) CIVIL ACTION NO. 1-03-1170-T-An

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LEON LAKE, )  
Plaintiff, ) CIVIL ACTION NO. 04-1251-T-An

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REGINALD CHARLES, )  
Plaintiff, ) CIVIL ACTION NO. 04-1255-T-An

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OLIVIA FARRINGTON, )  
Plaintiff, ) CIVIL ACTION NO. 04-1252 T-An

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v. )  
 )  
**THE PROCTER & GAMBLE** )  
**MANUFACTURING COMPANY, a** )  
**corporation,** )  
 )  
**Defendant.** )

**OMNIBUS RULE 16 SCHEDULING ORDER IN RELATED CASES**

Pursuant to a hearing with counsel for all parties on August 25, 2005, in the above cases, and pursuant to Rule 16, the Court hereby enters this omnibus scheduling order regarding trial and pretrial scheduling in all of the above-referenced cases. The Court refers the parties to the most recent Rule 16 Scheduling Orders in the above cases for discovery, and other relevant deadlines.

These cases are set for **JURY TRIALS** in room 432, U.S. Courthouse, Jackson, Tennessee. The cases will be tried in the following order:

04-1253	Willie Carney v. Procter & Gamble	April 26, 2006
04-1254	Rodney Clark v. Procter & Gamble	June 12, 2006
04-1256	Fred Jones v. Procter & Gamble	September 18, 2006
03-1170	Tony Lusby v. Procter & Gamble	November 13, 2006
04-1251	Leon Lake v. Procter & Gamble	February 12, 2007
04-1255	Reginald Charles v. Procter & Gamble	April 16, 2007
04-1252	Olivia Farrington v. Procter & Gamble;	June 4, 2007

Should one of these cases be dismissed in its entirety on Summary Judgment (or for any other reason), the next case in order will be substituted in the dismissed case's trial date above, so long as the order granting summary judgment or otherwise dismissing the case is issued 60 days or

more in advance of its trial date based on the schedule above. If an order granting summary judgment on all claims for a plaintiff is issued less than 60 days before the trial date in which the case is currently set, then that trial date will be skipped.

If a case is continued pursuant to a showing of good cause by any party, or by the Court for any reason, the order in which the cases are tried will not change, but rather, the continued case will move to the next scheduled trial date on the list, and the other cases will move to the subsequent scheduled trial dates, in the order listed above.

Counsel for the Defendant is responsible for keeping up with the schedule and notifying the Court and opposing counsel of which case will be tried on each date, consistent with the order and schedule set forth herein, by filing/serving a "Notice of Jury Trial Setting" at least 60 days prior to the next scheduled date. The "Notice of Jury Trial Setting" shall reference the case name, civil action number, this order, and the date on which the specific case is to be tried. Should a scheduled date be skipped for any reason outlined herein, Defendant will file a "Notice of Continuance" with respect to the next case on the list pending trial as soon as practicable after learning of the need for continuance.

#### THE FOLLOWING OTHER PRETRIAL DEADLINES APPLY:

PLAINTIFFS shall serve their FINAL LIST OF WITNESSES AND EXHIBITS pursuant to Federal Rule of Civil Procedure 26(a)(3), 45 days prior to trial. Defendant shall have 10 days in which to serve its objections thereto.

DEFENDANT shall serve its FINAL LIST OF WITNESSES AND EXHIBITS 30 days prior to trial. Plaintiff shall have 10 days in which to serve its objections thereto.

Written MOTIONS IN LIMINE shall be served 20 days prior to trial and responses thereto will be due no later than 10 days thereafter. This will not preclude the parties from raising oral motions in limine on the day of trial.

JOINT PRETRIAL ORDERS (mandatory) and TRIAL BRIEFS (should any party wish to submit one), shall be filed and served 10 days (including weekends and holidays) prior to trial.

If the parties are unable to reach an agreement on a joint pretrial order, they must notify the Court 10 days (including weekends and holidays) prior to trial.

Either party shall have 60 days to respond to DISPOSITIVE MOTIONS filed by the opposing party. REPLY BRIEFS are not permitted unless a party obtains leave of court and demonstrates substantial need for filing a Reply Brief.

MISCELLANEOUS MATTERS:

Each trial is expected to last between 5 and 7 days.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

**IT IS SO ORDERED.**



S. THOMAS ANDERSON  
MAGISTRATE JUDGE

Date: September 02, 2005



# Notice of Distribution

This notice confirms a copy of the document docketed as number 33 in case 1:04-CV-01251 was distributed by fax, mail, or direct printing on September 6, 2005 to the parties listed.

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Honorable James Todd  
US DISTRICT COURT